

PATENT
ATTORNEY DOCKET NO. 44921-5058-01 US

#10
B. Welyb
9/26/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:

Patricia D. MURPHY *et al.*

Application No.: 09/084,471

Filed: May 22, 1998

For: Novel Coding Sequence Haplotypes of
the Human BRCA2 Gene

) Group Art Unit: 1655

) Examiner: Stephanie W. Zitomer, Ph.D.

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment with a request for a three-month extension of time, responding to the Office Action dated March 16, 2000 (**next business day rule applies since September 16 falls on a Saturday**).
2. Additional papers enclosed:

- Drawings: Formal Informal (Correction)
 Information Disclosure Statement
 Form PTO-1449, references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

RECEIVED

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- [] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- [x] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

| Total Months <u>Requested</u> | Fee for <u>Extension</u> | [Fee for Small Entity] |
|----------------------------------|-----------------------------|---------------------------|
| [] one month | \$ 110.00 | \$ 55.00 |
| [] two months | \$ 380.00 | \$190.00 |
| [x] three months | \$ 870.00 | \$435.00 |
| [] four months | \$1,360.00 | \$680.00 |

Extension of time fee due with this request: \$435.00

If an additional extension of time is required, please consider this a Petition therefor.

- [] An extension for ___ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- [x] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

RECEIVED

Sep 26 2000

TECH CENTER 1600/2000

ATTORNEY DOCKET NO.44921-5058-01 US

Application No. 09/084,471

Page 3

5. Fee Calculation (37 C.F.R. §1.16 as Small Entity)

| CLAIMS AS AMENDED | | | | | | |
|-------------------------------------------------------|----------------------------------|-------|-----------------------------|---------------|--------------|---------------------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 72 | minus | 60 | 12 | x \$9 each= | + \$ 108 |
| Independent Claims (37 C.F.R. §1.16(b)) | 2 | minus | 29 | | x \$39 each= | + \$ |
| [] First presentation of Multiple dependent claim(s) | | | | | \$130.00 | + \$ 130 |
| | | | | | | SUB-TOTAL = \$ 238 |
| | | | | | | TOTAL FEE = \$ 238 |

6. Fee Payment

- [] No fee is to be paid at this time.
- [x] Check No. 106904 in the amount of \$435.00 for a three month extension of time
- [x] The Commissioner is hereby authorized to charge \$238 for the additional claim fee to Deposit Account No. 50-0310.
- [x] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 18, 2000

By:

Michael S. Tuscan
Michael S. Tuscan
Reg. No. 43,210

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036-5869
202-467-7000